

ARTICLE 12
LEAVE

Section 1: Leave

- a. EMPLOYEES may use annual leave and sick leave in increments of fifteen (15) minutes in accordance with applicable statutes. An EMPLOYEE'S request to take annual leave shall be granted when the EMPLOYEE has given the supervisor reasonable advance notice by use of the SF-71, Application for Leave, subject to the workload and staffing requirement of the activity. All requests for leave will be made as soon as possible by the EMPLOYEE, directly to the supervisor or designee.
- b. IHSHQE agrees that if requests for leave are denied for any reason, the supervisor shall meet with the EMPLOYEE to explain the reason for denial, upon request.
- c. EMPLOYEES who are on leave restriction may not be advanced sick and/or annual leave.

Section 2: Annual Leave

- a. Requests for annual leave will be granted to each eligible EMPLOYEE providing that granting such leave does not cause a substantial workload problem and the employee has accrued ample leave. A substantial workload problem means more than an administrative or staffing inconvenience such as the necessity to adjust work or to cover for the employee going on leave.
- B. Approved scheduled leave may be changed when the change would not create a workload or coverage problem for the work unit.
- C. EMPLOYEES will be provided with the opportunity, where practical, to use any annual leave earned that will be in excess of the maximum allowable carry-over some time during the course of the leave year so as to avoid losing annual leave. Each employee will monitor their annual leave account in order to make appropriate advance requests to IHSHQE for leave for vacation and other purposes which will contribute toward avoiding losing annual leave. Not later than September 15th of each year, IHSHQE will remind employees of a need to request annual leave to avoid unintended forfeiture of such annual leave.

Section 3: Unscheduled Leave.

- a. Requests for annual leave for emergency reasons will be considered on an individual case basis. If a request for unscheduled leave has been denied, the EMPLOYEE will be notified in writing of the reason(s) for denial.
- b. Requests for unscheduled leave shall be made to the supervisor

within one (1) hour of the start of their scheduled work day. Supervisors shall respond to these requests promptly.

- c. Requests for unscheduled leave because of an emergency are to be made directly to the supervisor or designee by the EMPLOYEE unless their situation prevents personal contact.
- d. Notification to the supervisor from other than the EMPLOYEE does not constitute leave approval.
- e. Unscheduled leave may be granted for participation in traditional religious ceremonies and for participation in other religious activity when the supervisor determines that no advance notification could have been given.

Section 4: Sick Leave.

- a. An EMPLOYEE who is absent due to illness or injury shall notify their supervisor as soon as possible, except when there are extenuating circumstances beyond the EMPLOYEE's control. In such cases, the EMPLOYEE shall make an honest attempt to notify the supervisor by some other means.
- b. Once an absence because of illness is approved, the EMPLOYEE will call in as necessary. Notifying the supervisor on an ongoing basis, unless the supervisor has agreed to an extended sick leave request, is necessary so the EMPLOYEE can be placed in an approved leave status. Notification, in itself, is not justification for approval or disapproval of sick leave.
- c. EMPLOYEES shall not be normally required to furnish a medical certificate to support requests for sick leave unless such leave exceeds three (3) consecutive workdays. It is understood and agreed, however, that IHSHQE has the right to require an EMPLOYEE to furnish acceptable medical documentation for sick leave when:
 - 1. There is a reasonable doubt of the EMPLOYEE'S capability to perform regularly assigned duties; and/or
 - 2. The EMPLOYEE or a member of the EMPLOYEE'S household has been afflicted with a contagious disease, as recognized by appropriate health officials in accordance with applicable laws and regulations.
 - 3. When there is reason to suspect abuse of sick leave.
- d. Sick leave is authorized for treatment by traditional tribal methods, traditional healers, medical professionals, and other health providers consistent with current policies, practices, and regulations.
- e. EMPLOYEE'S may be granted advanced sick leave. In

considering requests for advanced sick leave, IHSHQE will apply current policies and regulations. Advanced sick leave may be approved or disapproved for periods of not more than thirty (30) days, under the following circumstances:

1. A written request has been properly submitted, including medical certification;
2. There is a reasonable assurance that the EMPLOYEE will return to duty and is not contemplating a resignation or retirement; and,
3. The EMPLOYEE has enough in their retirement account to reimburse IHSHQE for the advance, should they not return.

Section 5: Leave Restrictions

- a. Before imposing leave restrictions the supervisor will counsel the EMPLOYEE regarding their use of leave.
- b. The Supervisor must advise the EMPLOYEE in writing of the requirement to furnish acceptable medical documentation for any and all absences which the EMPLOYEE claims are due to illness.
- c. When the EMPLOYEE'S record of leave has not reflected abuse for a period of six (6) months, the medical documentation requirement shall be removed and the EMPLOYEE will be so advised in writing.

Section 6. Family Friendly Leave Act

- a. The Family Friendly Leave Act (FFLA) authorizes the use of sick leave by EMPLOYEES to care for family members.
- b. A family member as defined by the act is: "(1) spouse, and parents thereof; (2) children, including adopted children and spouses thereof; (3) parents; (4) brothers and sisters, and spouses thereof; and (5) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship."
- c. All EMPLOYEES covered under the FFLA may use up to 40 hours (5 workdays) of sick leave to give care or to attend to a family member having an illness, injury or other condition, which, if an EMPLOYEE had such a condition would justify the use of sick leave by the EMPLOYEE. An EMPLOYEE who maintains a balance of at least 80 hours of sick leave (after the first 40 hours/5 work days have been deducted) may use an additional 64 hours (8 workdays) of sick leave per leave year for the above purposes.

- d. When an EMPLOYEE requests the use of sick leave under this act, the EMPLOYEE must submit acceptable medical evidence, which may include SF-71's, prior to approval of the leave status.
- e. EMPLOYEES may use up to 40 hours of sick leave to make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- f. At no time, may the total amount of sick leave used under the FFLA exceed 104 hours per leave year.

Section 7: Leave Without Pay (LWOP)

LWOP may be granted to EMPLOYEES in the Unit subject to the following procedures:

- a. Temporary non-pay status and absence from duty may be granted at the EMPLOYEE'S request. An EMPLOYEE cannot demand that they be granted LWOP as a matter of right. However, in the case of disabled veterans who are entitled to LWOP if necessary for medical treatment, and Reservists and National Guardsmen who are entitled to LWOP, if necessary, when activated such requests will not be denied.
- b. LWOP may be granted by management officials to EMPLOYEES in cases of illness or injury when their sick and/or annual leave balances have been exhausted or when the EMPLOYEE requests leave for which annual leave normally would be granted and such leave is not available to the EMPLOYEE.
- c. Extended LWOP to attend a school or university whereby the Federal Service will benefit from the training, or to cover extended periods of illness not covered by sick or annual leave, may be approved and granted by the appropriate management official to an EMPLOYEE who is expected to return to duty.
- d. LWOP regardless of leave balances, may be granted by IHSHQE in, special cases when determined by IHSHQE to be of benefit to the EMPLOYEE and the IHSHQE.

Section 8: Excused Absences

- a. Blood Donation: Workload permitting, EMPLOYEES who volunteer as blood donors either to Blood Banks without compensation or directly to individuals shall be excused for a reasonable amount of time, usually 2 hours, no more than 4 hours.
- b. Jury Duty: In the event an EMPLOYEE is called for jury duty or jury qualification, EMPLOYEE will be excused with no charge to leave consistent with regulations and workload

requirements.

1. If called, the EMPLOYEE shall notify their supervisor promptly and shall submit a copy of their summons for jury service. Upon completion of EMPLOYEE'S service, the EMPLOYEE shall present to the supervisor a certificate of attendance or other satisfactory evidence of time served on such duty, together with any jury fees received. Allowances received for meals, transportation, etc., may be retained by the EMPLOYEE, in accordance with applicable laws and regulations.
 2. The EMPLOYEE is expected to return to duty or be charged annual leave, if available, or LWOP for the time excused, when excused from jury duty for one (1) day or a substantial portion of one (1) day. Returning to duty is expected when time and travel permit and no hardship results to the EMPLOYEE.
 3. The EMPLOYEE is excused for a substantial portion of a day if the EMPLOYEE is excused from jury duty two (2) hours or more before the end of their scheduled shift, or if the EMPLOYEE is not required to report for jury duty until two (2) hours or more after the beginning of their shift.
- c. Voting: As far as practicable, supervisors may approve excused absence for an EMPLOYEE to vote in national elections. As a general rule, where polls are not open at least three (3) hours before an EMPLOYEE'S usual arrival time or after an employee's usual departure time, they will be excused for enough time to permit them to report for work three (3) hours after the polls open or leave work three (3) hours before the polls close, whichever requires less time off.
- d. Court Leave: EMPLOYEES called as a court witness in their official capacity or as a witness for the Federal government in a non-official capacity are entitled to be carried in official duty status.
- e. Military Leave: EMPLOYEES who are members of the reserve forces are granted military leave in accordance with existing regulations. Reservists should schedule their annual training two-week leave by involving their supervisor as soon as possible. Because of administrative requirements, the request and scheduling are necessarily arranged before the reservist submits an annual training request to their military unit and is issued orders. Military leave is granted only when the reservist submits a copy of their official orders.

- f. Military Funeral: An EMPLOYEE who is a veteran may be excused, without charge to leave or loss of pay, to participate as an pallbearer or honor guard in funeral services of Members of the Armed Services. Such excused leave may not exceed two (2) work days.

Section 9: UNION Leave.

Written notice to IHSHQE by UNION of the election or appointment of EMPLOYEES to a UNION office or as a delegate to a LIUNA activity (not to exceed 5 work days per year), and their presence is required, will be accepted as justification for LWOP or annual leave subject to workload and coverage considerations.